

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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DOMINIC V. DiMODICA,

Plaintiff,

v.

ROBERT F. MURPHY, JR., KATHLEEN  
M. DENNEHY, and the MASSACHUSETTS  
DEPARTMENT OF CORRECTION,

Defendants.

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Civil Action No. 05-10286-PBS

**PLAINTIFF'S ASSENTED-TO MOTION TO EXTEND THE DEADLINES**  
**SET AT THE STATUS CONFERENCE**

Plaintiff Dominic V. DiModica ("Plaintiff" or "Mr. DiModica") hereby moves this Court to extend the deadlines set in this matter's Status Conference held on September 27, 2006. In support of this motion, Plaintiff states as follows:

1. On September 27, 2006, the Court required that Mr. DiModica submit a report from an evaluator regarding his treatment by January 20, 2007.

2. Plaintiff's counsel has been actively engaged in attempting to secure an evaluator(s) from the Department of Mental Retardation, the Department of Mental Health, and/or a private doctor or other expert and providing the evaluator(s) with the appropriate information and documents needed to prepare a full report.

3. Plaintiff requests an extension of time, up to and including February 28, 2007, to submit the evaluator(s) report.

4. Given that the Court apparently intended for Defendants to review Plaintiff's evaluator(s) report prior to the parties serving their summary judgment papers, if any, Plaintiff requests that the following deadlines be extended as follows:

	<b>Current Deadline</b>	<b>Proposed Deadline</b>
Plaintiff files evaluator(s) report	January 20, 2007	February 28, 2007
Summary Judgment Motion	February 15, 2007	March 15, 2007
Opposition	February 28, 2007	March 30, 2007
Hearing on Summary Judgment/PreTrial Conference	March 13, 2007	April 13, 2007

5. The parties continue to try to work cooperatively to resolve or narrow the issues in dispute in this matter, and the parties anticipate that the evaluator's report will assist them in that regard.

6. Defendants assent to the rescheduling of all deadlines.

WHEREFORE, Plaintiff respectfully requests the court allow this motion for an extension of the deadlines set during the September 27, 2006 status conference.

Respectfully submitted,

DOMINIC V. DiMODICA,

By his attorney,

/s/ Jennifer A. Serafyn  
 Jennifer A. Serafyn (BBO #653739)  
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Date: January 19, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper will be sent to those indicated as not registered participants on January 19, 2007.

/s/ Jennifer A. Serafyn

Jennifer A. Serafyn